

Senate File 78 - Introduced

SENATE FILE 78

BY DONAHUE, DOTZLER, and CELSI

A BILL FOR

- 1 An Act relating to earned time applied to reduce certain
- 2 mandatory minimum sentences.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 903A.5, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. An inmate shall not be discharged from the custody
4 of the director of the Iowa department of corrections until
5 the inmate has served the full term for which the inmate was
6 sentenced, less earned time and other credits earned and not
7 forfeited, unless the inmate is pardoned or otherwise legally
8 released. Earned time accrued and not forfeited shall apply to
9 reduce a mandatory minimum sentence being served pursuant to
10 section 124.406, 124.413, ~~902.7, 902.8, or 902.8A, or 902.11.~~
11 An inmate shall be deemed to be serving the sentence from the
12 day on which the inmate is received into the institution. If
13 an inmate was confined to a county jail, municipal holding
14 facility, or other correctional or mental facility at any time
15 prior to sentencing, or after sentencing but prior to the case
16 having been decided on appeal, because of failure to furnish
17 bail or because of being charged with a nonbailable offense,
18 the inmate shall be given credit for the days already served
19 upon the term of the sentence. However, if a person commits
20 any offense while confined in a county jail, municipal holding
21 facility, or other correctional or mental health facility,
22 the person shall not be granted credit for that offense.
23 Unless the inmate was confined in a correctional facility, the
24 sheriff of the county in which the inmate was confined or the
25 officer in charge of the municipal holding facility in which
26 the inmate was confined shall certify to the clerk of the
27 district court from which the inmate was sentenced and to the
28 department of corrections' records administrator at the Iowa
29 medical and classification center the number of days so served.
30 The department of corrections' records administrator, or the
31 administrator's designee, shall apply credit as ordered by the
32 court of proper jurisdiction or as authorized by [this section](#)
33 and [section 907.3, subsection 3.](#)

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to earned time applied to reduce certain
3 mandatory minimum sentences.

4 Current law provides that earned time accrued and not
5 forfeited shall apply to reduce a mandatory minimum sentence
6 being served pursuant to Code section 124.406 (distribution of
7 certain controlled substances to person under age 18), 124.413
8 (mandatory minimum sentence for certain controlled substance
9 offenses), 902.7 (minimum sentence for forcible felony while
10 possessing a dangerous weapon), 902.8 (minimum sentence for
11 habitual offender), 902.8A (minimum sentence for conspiring
12 to manufacture or deliver amphetamine or methamphetamine to
13 a minor), or 902.11 (eligibility of prior forcible felon for
14 parole or work release).

15 The bill amends current law to provide that earned time
16 accrued shall not apply to reduce a mandatory minimum sentence
17 being served for violations of Code sections 902.7, 902.8, and
18 902.11.